

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION**

**CRIMINAL NO. 2:05CR12**

**UNITED STATES OF AMERICA**     )  
  )  
  )  
                              **vs.**                     )  
  )  
**GARY ALLEN KIRKPATRICK**     )  
\_\_\_\_\_  
  )

**ORDER**

**THIS MATTER** is before the Court on a Judgment from the Fourth Circuit Court of Appeals vacating the Defendant's sentence and remanding the case for resentencing. **See, Judgment of the Fourth Circuit Court of Appeals, filed November 15, 2005.**

**IT IS, THEREFORE, ORDERED** that this matter is hereby scheduled for resentencing on **THURSDAY, JANUARY 5, 2006, AT 4:30 PM**, at the U.S. Courthouse in Asheville, North Carolina.

**IT IS FURTHER ORDERED** that the Clerk appoint counsel to represent the Defendant at resentencing. A revised presentence report is not necessary for this hearing.

**IT IS FURTHER ORDERED** that the United States Marshal make arrangements to have the Defendant transported from his place of incarceration to the hearing and return him thereto after resentencing. The United States Marshal shall ensure that the Defendant arrives in this District prior to the hearing date in order that he may be afforded adequate opportunity to confer with counsel in preparation for the resentencing hearing.

The Clerk of Court is directed to send copies of this Order to the Defendant, his counsel, the United States Attorney, the United States Marshal, and the United States Probation Office.

**Signed: November 16, 2005**

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

